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THE CHECK-OFF SYSTEM AND THE CLOSED SHOP AMONG THE UNITED MINE WORKERS

SUMMARY

The check-off system now in general use by the United Mine Workers, 730. — Why the operators have granted it: a precedent in the existing check-off for supplies, and in the presence of the check-weighman, 731. — History of the check-off system for union dues, 734. — Its main features, 735.— The unions' "card day" done away with, 737. — Effect of the check-off in strengthening the union, 738. — It acts to bring about virtually, tho not formally, the closed shop, 739.

SINCE the adoption of the joint agreement system between miners and operators in 1898, the United Mine Workers' organization has put into general effect an important and unusual method of collecting union dues from its members. This it has accomplished by the help of the individual operator, who deducts or checks off from the wages of his employees the union dues subscribed by them to the union. After deducting these dues at the company office on pay-day the operator turns over the amount collected to the officers of the local union. The arrangement exists at present between union miners and operators in fourteen or more coal-producing states.¹ Such proof of the friendly relation between miner and operator is worth more than passing notice, especially when one considers the bitter conflicts which have occurred in the past between capital and labor in the country's coal industry.

Why have the operators granted this remarkable concession to the United Mine Workers? Has it been solely because of the increasing strength of the organization?

¹ As to the adoption of the check-off in other industries, see an article in the Johns Hopkins University Circular, 1910, No. 4, describing its operation in the window glass industry, and in certain garment workers' shops in Baltimore.

In attempting to answer these questions, we find that other factors than the numbers and influence of the miners' union contributed.

First of all, the union representatives found a precedent for their demand in circumstances peculiar to the mining industry itself. Before the introduction of the check-off for union dues operators were already in the habit of making deductions from miners' wages on pay-day, after the manner of the proposed check-off, for house rent, supplies, and the like. The following list of such items is taken from a Pennsylvania miner's due-bill, as it is called:¹

Supplies	\$8.25
Blacksmith30
Rent	6.00
Groceries	20.18

The item "Supplies" indicates that the miner was indebted to the operator for powder and oil; the remaining charges, that he had his tools sharpened or repaired by the company blacksmith, that he rented a dwelling house owned by the operator, and bought groceries at the store so frequently located on company property and managed directly or indirectly by the employer. Still other items are found in coal miners' due-bills in the different states. Monthly payments are made toward the maintenance of a hospital conducted by the operator for the benefit of injured employees, and for the support of a school which is under the operator's management. Regular contributions to accident and death benefit funds appear.² These items, it should be borne in mind, are typical not only of present but also of past conditions in the coal industry. They are practically fixed charges, determined by the conditions of employment; for the mine worker in many cases is shut off from the life of the ordinary community and

¹ Roberts, *Anthracite Coal Industry*, p. 148.

² At certain Pennsylvania mining properties controlled by a single company the miner's contract provided that contributions to the local clergy and taxes were to be deducted from his wages on pay-day. *Proceedings of Anthracite Coal Strike Commission*, No. 1973.

becomes correspondingly dependent on his employer.¹ In some instances the indebtedness indicated by such charges even exceeds the miner's monthly wages. He then receives what is familiarly termed by the anthracite workers a "bob-tailed check."

As already stated, these deductions from the miners' due-bills gave a precedent for demanding the check-off for union dues. The United Mine Workers' representatives based their arguments in part upon the circumstances already outlined, declaring that the check-off should be accepted as were deductions for other purposes; namely, as a condition of employment.² The operators replied that the check-off for union dues would be illegal, and that there was a possible element of compulsion involved in its operation. The answer of the miners' representatives was that, if the check-off was illegal, then the deductions already made by the operators were also illegal; and they said in effect that the operator himself exercised compulsion over his employees, especially in making deductions for "store" charges, and this even when a miner signed an order requesting his employer to make such deductions. The operator in many cases practically forced the miner to agree to make purchases at the company store if he wished to secure employment at a particular mine. As will be seen later, the miners' representatives, in order to secure the check-off, were willing to furnish the operators with a written order from each miner requesting that deductions be made for union dues. As for "store" charges, the miners have generally maintained, and with reason, that the operator usually secures a direct profit from the company store.

One other circumstance in the coal-mining industry before the introduction of the check-off strengthened the

¹ The check-off is in operation under similar conditions in the brick-making industry. At Thurber, Texas, a local of the Brick, Tile, and Terra Cotta Workers' Alliance has secured the check-off by agreement with the operator of the brick yard, who practically owns the town, its stores, etc.

² Proceedings Interstate Joint Convention, 1901, p. 105 ff.

miners' position in their demand for this method of collecting union dues. This was the establishment of the office of check-weighman, whose duties are, in brief, to protect the miners' interests in the screening, weighing, and "docking" of coal by the company. He takes his place at the company scales and checks up the work of the docking boss or company weighman. He is generally chosen from among the employees at the particular mine and his salary is paid by the miners. For our present purpose the importance of the check-weighman lies in the fact that his salary has been collected, and this in one of two ways: either by the contribution of a certain amount of coal from each miner, the total amount so contributed being credited to the check-weighman's account by the company, just as in the case of the individual miner with his own output; or by a deduction made from each miner's wages on pay-day, after the manner of the check-off. Thus a certain portion of the miner's earnings was already deducted by the operator for a purpose wholly in the interest of the former.

It is difficult to state with accuracy to what extent the introduction of the check-weighman helped to bring about the check-off for union contributions, and this point should not be unduly emphasized. The mine workers did not everywhere secure the services of the check-weighman, even after the passage of state laws establishing his office, for, as was natural, many operators in the different states strongly opposed his introduction. However, we learn from the Bureau of Labor and Mining Reports of Ohio, Illinois, and Pennsylvania that previously to the adoption of the check-off, check-weighman laws had been passed and that check-weighmen were to be found at certain mines in these states. In Ohio such a law was passed in 1872, in Pennsylvania (bituminous) in 1873, and in Illinois in 1883. It is also significant that in at least ten other states check-weighman laws were passed before the check-off was granted, as follows: In Indiana in 1883; Iowa, 1880; Kentucky, 1886; Tennessee and Missouri, 1887; West

Virginia, 1891; and subsequently in Kansas, Arkansas, Michigan, and Montana.¹

The United Mine Workers' organization was not the first to introduce the check-off in the coal industry, for it was advocated as early as 1889 by Ohio members of the old National Progressive Union. According to the Report of the Ohio Bureau of Labor of that year, the latter organization demanded it in two different strikes affecting five mines in the state; in one instance asking for "the check-off — granted to us as before May 1, 1889," and in the second, the "usual check-off for the State levy made by the Progressive Union."

In 1890, when the United Mine Workers first became of importance as a national organization, its representatives secured the introduction of a clause in the agreement between miners and operators of the Hocking coal regions in Ohio, which stated that the check-off was to be "restored by the companies where it does not exist." In the early 90s the check-off was in force at certain mining properties in Ohio, Illinois, and Indiana, but its adoption was not general. In 1898, the date of the first interstate joint conference held between the United Mine Workers and coal operators of the so-called Central district, which comprises Ohio, Indiana, Illinois, and Western Pennsylvania (bituminous), the check-off was introduced in the state agreements made by members of this conference, with the exception of that for Western Pennsylvania. With this exception it has remained in the agreements to the present time. In 1898 certain operators of Kentucky also granted the check-off. In Western Pennsylvania (bituminous) the check-off has not been generally accepted in the state agreements. Yet in 1902 it was in force at about fifty mines.² In the an-

¹ At the present time, the check-weighman's services have come into much more general use. In several states he directly assists in the operation of the check-off for dues, by preparing the list of miners' names whose contributions to the union are to be deducted at the company office. This he is able to do to advantage while at his post at the company weighing scales.

² Proceedings Interstate Joint Convention, 1902, p. 119.

thracite region of Pennsylvania, the only general concessions obtained by the miners regarding the collection of union dues were those made in accordance with decisions of the Conciliation Board established by the Anthracite Coal Strike Commission. By these decisions representatives of the United Mine Workers were permitted to collect dues from its members on company property at the different mines. In July, 1909, however, the United Mine Workers' Journal announced that the check-off had been granted at one of the mines run by an independent operator. In 1899 the check-off appeared in the agreement between coal operators and the United Mine Workers covering the newly organized "South Western Territory" (Missouri, Kansas, Arkansas, and Indian Territory) and, after the year 1903, continued up to the present time. In 1900 and thereafter the check-off is found in the Tennessee state agreements; in 1901 and thereafter in Kentucky; in 1902 and thereafter in Iowa and Michigan; in 1903 in West Virginia (suspended in 1906-08); in 1904 and thereafter in Wyoming; and in 1907 and thereafter in Montana. The check-off is now prevalent in at least fourteen different states. These are Illinois, Indiana, Ohio, Pennsylvania (bituminous), Kentucky, Tennessee, Iowa, Michigan, Kansas, Arkansas, Missouri, Oklahoma, Montana, and Wyoming.

The main features of the check-off, as it appears in its most complete form, are illustrated by the Illinois agreement for 1908-10. The operators agree to "check-off union dues, assessments, and fines from the miners and mine laborers, and on proper individual or collective continuous order. After the pit expenses for powder, smithing and a proper proportion of mining tools," preference will be given to the "ordinary dues and assessments." The check-off is "not to exceed \$5.00 in any one pay for fines and initiation fees unless by special agreement." A detailed statement is to be furnished by the operator giving the total amount collected, also the names of miners whose dues have not been collected. Any fine imposed under the agreement may be appealed and "withheld by the

operator" until the matter has been adjusted. "Card day" (to be explained presently) is abolished.

The "individual or collective continuous order" is made out in legal form by attorneys representing the operator and by the union officials. The writer is informed, however, on good authority, that for the past few years in Illinois, the individual miner has not been required to sign an order. It has been customary for the union officials at a particular mine simply to hand in a list of names of employees whose dues are to be checked off. Of the thirteen other states in the list referred to above, all but two, Michigan and Ohio, require by the terms of agreement either an individual or collective order, to be given continuously or on demand. In Western Pennsylvania (bituminous), in 1904, the check-off was granted where approximately 80% of the employees at a particular mine were in favor of this method of collecting union dues and then only upon written individual order from each employee.¹

What advantages, now, did the operators secure by conceding the check-off? First of all, they directly assisted the miners' union in obtaining funds with which to unionize non-union fields. By thus requiring competitive operators to enter into state or interstate agreements, they equalized conditions.² Further, by refusing continuance of the check-off the operators were able effectively to discipline the union. A committee appointed at a national convention of coal operators' associations in 1905 recommended the introduction of a provision in joint agreements to the effect that in case of a local strike in violation of contract, the check-off should be suspended at a single mine, or if necessary over an entire district, for a period of at least

¹ Proceedings Interstate Joint Conference, 1904, p. 127.

² In response to the operators' demands for the unionizing of mine labor in West Virginia the union representatives asked that they be furnished the necessary funds through the extension of the check-off in the Pittsburgh field. Proceedings Interstate Joint Convention, 1901, pp. 58-59. Proceedings Interstate Joint Convention, 1902, p. 62.

thirty days; and this provision was subsequently adopted in modified form by a national association of operators.¹

By granting the check-off the operators also did away with the abuse of "card day." Formerly on "card day" a union representative stationed himself at the shaft entrance of a mine and required that each miner produce his union card before going to work. In this way the union official was able to find out whether an employee was a member of the union or not, and from the entries on the card, whether the member had paid his dues in full. This practice, however, might hinder the proper working of the mine, for, according to one informant, a mine employee in Illinois who could not give a satisfactory account of himself when interviewed might be sent home by the representative of the union. If the employee chanced to hold an important position in the mine, carman for example, his enforced absence from work might seriously cripple the working of the mine. Evidently, if the check-off was conceded, the union official could at once dispense with "card day."

To offset these advantages, the operators were forced to recognize the obvious fact that, in granting the check-off, they were assisting in building up a defence fund for the union to be used in time of strike or lock-out, or, in other words, they were "cutting their own throats."² The force of this objection may be seen when it is stated that according to the secretary-treasurer's report of the United Mine Workers over \$5,900,000 was paid out for "aid" by that organization from the years 1900 to 1908 inclusive.³ Moreover, the individual operator might be sued for damages by a miner who wished to recover through the courts

¹ Justi, *Papers and Addresses on Labor Problems*. In 1908 the Indiana Coal Operators' Association temporarily suspended the check-off throughout the state because of an alleged illegal stoppage of work by miners at a single mine. Bureau of Labor Report, Indiana, 1907-8, p. 112. Proceedings United Mine Workers' Convention, 1909, vol. 1, p. 596.

² Proceedings Interstate Joint Convention, 1902, p. 67.

³ Proceedings United Mine Workers' Convention, 1909, p. 93.

union dues checked off against him.¹ Finally, the operators found that they were arbitrarily restricting the supply of labor by collecting a high initiation fee for the union through the check-off. With the evident purpose of offsetting this tendency there is occasionally in state and district agreements a restriction of the initiation fee to a uniform rate of from \$2.00 to \$10.00. In certain instances, however, the union set the initiation fee, at least temporarily, as high as \$50.00.

For the United Mine Workers the check-off brought with it a large increase in funds, which strengthened each local body as well as the central organization. It had another and surprising result, and one which the union leaders could scarcely have foreseen: they obtained the aid of the operators in disciplining members of their own organization. In the Illinois joint convention of 1902, a representative of the miners stated that in many cases local union officials were unable to keep members in line and that if the agreements were to continue it would be of advantage not only to the union but to operators as well, if the individual operator were to check-off fines imposed upon organization members.² Naturally enough, however, the operators refused to go so far as to deduct fines for offences imposed contrary to the terms of the joint agreements.

In spite of all its advantages for the union, the wisdom of the check-off system may be criticised from the point of view of the union itself in one particular. As its opponents among the operators declared, it was a poor union member who would not make payments voluntarily and had to be forced to do so. Evidently, however, the United Mine Workers cannot afford to stand on sentiment on this point. They have accepted the check-off as inevitable under pres-

¹ In one instance an Indiana operator was sued by four miners on this account and had to spend \$500 in his defence. *Proceedings Interstate Joint Convention, 1901*, p. 111. In another instance, when miners protested to the operator against the collection of union dues through the check-off, the union refunded the amount so collected. *Proceedings Interstate Joint Convention, 1902*, p. 67.

² *Illinois Joint Convention, 1902*, pp. 226-227.

ent conditions of employment in the coal industry. The miners' representatives themselves have admitted the difficulty of securing regular payment of dues. As is well known, members are inclined to contribute to the union only at "strike time," tho such a policy would be fatal to the life of a national organization. For example, the members of the United Mine Workers, or miners controlled by that body in the anthracite fields of Pennsylvania, numbered 150,000 at the close of the anthracite strike of 1902; by November, 1904, this number had dwindled to less than 40,000.¹

Moreover, miners are continually shifting from one mine to another in different parts of the country and there is a continual influx of Southern-European labor, which is difficult to unionize. These facts must tend to confirm the union representatives in adherence to their present policy of demanding the check-off.

The logical outcome of the check-off is the closed shop. Even in its partial enforcement it tends to produce closed-shop conditions. It has already been indicated how this comes about; first from the continued pressure brought to bear on a minority of non-union miners by the majority of union members at a particular mine, and, secondly, from the continued favor shown toward union labor by the operators under the system of joint agreements. Under these conditions non-union men may be forced gradually to submit to the check-off for union dues, as they do to wage deductions for other purposes, because it becomes almost a condition of employment. Especially is this true when the operator no longer demands the individual written order for the check-off but accepts the list of employees' names given him by the union officials, thus removing the single protection afforded non-union workers.

Two effective arguments were used by the miners' representatives in the convention of the Central district in favor of enforcing the check-off upon all employees eligible to membership in the United Mine Workers, and

¹ F. J. Warne, *The Outlook*, Dec. 16, 1905.

for the resulting closed-shop conditions. One was that under the terms of the state agreements their organization was obliged to become responsible practically for the conduct of every miner and mine employee working under such agreements.¹ Moreover, they declared, all miners, whether union or non-union, who were working under joint agreements, were benefited thereby and should pay a fair share of the expense necessary for their maintenance by contributing union dues.² This latter argument is very similar to one used by Judge Gray in his decision confirming the action of the Anthracite Board of Conciliation regarding the payment of the check-weighman's salary. Judge Gray held in effect that, since all the miners at a particular mine profited by the check-weighman's services, the minority of miners should submit to the will of the majority and should also pay their share of that official's salary.³

To what extent do we in fact find the closed shop in the coal-mining industry? There is evidence to show that it exists in Illinois and that there is an approximation to it in at least two other states, Indiana and Ohio. As regards Illinois, we have the statement of Mr. Justi, in 1903, that, with the exception of one mining property, there was "not a single non-union miner or mine laborer" in that state.⁴ At the present time we learn on good authority that altho the closed shop has not been conceded to the miners by actual terms of contract in Illinois, the question has been settled practically in favor of the miners. In fact, the Illinois Operators' Association is now trying to secure the closed shop "on the other end," that is, to obtain an agreement with the United Mine Workers, under the terms of

¹ Proceedings Interstate Joint Convention, 1902, p. 56.

² Proceedings Interstate Joint Convention, 1904, p. 133.

³ Scranton Tribune, Sept. 27, 1904.

⁴ Mr. Justi also said, in making the above statement, that closed-shop conditions existed in Illinois as a consequence of the union rules of apprenticeship, which required the miner's preliminary service at the mine for a term of at least four years. This, however, does not invalidate the statements made as to the general influence of the check-off in bringing about the closed shop. Proceedings Interstate Joint Convention, 1903, p. 80.

which that organization shall effectively prohibit its members from securing employment with the few small operators in the state who have not yet joined the coal operators' association. In addition the writer was informed that if non-union labor were introduced at present in mines in Indiana and Ohio, union miners would at once go on strike. An Indiana operator also declared in 1906 that the United Mine Workers had a tacit understanding with the operators of that state that non-union labor should not be employed in the mines.¹

It appears, then, that the check-off was advocated under circumstances peculiar to the coal-mining industry and that as its adoption spread with the growth of the joint agreement system between miners and operators in bituminous coal producing states, it assisted quasi-automatically as a "union organizer" toward bringing about closed-shop conditions. Probably its greatest significance to the United Mine Workers lies in the fact that when operated under the terms most favorable to the union, as in Illinois, it is a factor of the first importance in obviating the necessity of a formal demand for the closed shop.

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¹ Proceedings Interstate Joint Convention, 1906, p. 190.